

ESTTA Tracking number: **ESTTA537976**

Filing date: **05/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sazerac Company, Inc.
Granted to Date of previous extension	05/15/2013
Address	3850 N. Causeway Blvd.Suite 1695 Metairie, LA 70002 UNITED STATES
Attorney information	TODD S BONTEMPS COOLEY LLP 1299 PENNSYLVANIA AVENUE NW, SUITE 700 WASHINGTON, DC 20004 UNITED STATES trademarks@cooley.com, tbontemps@cooley.com, jpo@cooley.com Phone:310.883.6400

Applicant Information

Application No	85695481	Publication date	01/15/2013
Opposition Filing Date	05/15/2013	Opposition Period Ends	05/15/2013
Applicant	Ghenadie Odobescu 2620 Saint-Germain, suite 16 Montreal, H1W2V3 CANADA		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Spirits and liqueurs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4157643	Application Date	10/17/2011
Registration Date	06/12/2012	Foreign Priority Date	NONE
Word Mark	STAND STRONG		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 033. First use: First Use: 2011/11/07 First Use In Commerce: 2011/11/07 alcoholic beverages, namely, distilled spirits

Attachments	SD-#842087-v1-Sazerac_BE_STRONG_opposition.pdf(81803 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Todd S Bontemps/
Name	TODD S BONTEMPS
Date	05/15/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/695,481
For the Trademark BE STRONG
Published in the Official Gazette on January 15, 2013

SAZERAC COMPANY, INC.)	
)	
Opposer,)	
)	
v.)	
)	
GHENADIE ODOBESCU,)	Opposition No.
)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Opposer Sazerac Company, Inc. (“Sazerac”), a Louisiana corporation having its principal place of business at 3850 North Causeway Boulevard, Suite 1695, Metairie, Louisiana 70002, will be damaged by the issuance of a registration for the mark BE STRONG (hereafter “Applicant’s Mark”), as applied for in Application Serial No. 85/695,481 filed on August 4, 2012 by Applicant Ghenadie Odobescu, a Moldovan individual residing at 2620 Saint-Germain, Suite 16 Montreal Canada H1W2V3 (“Applicant”). Sazerac, having previously been granted an extension of time to oppose Applicant’s Mark, hereby opposes same.

As grounds for opposition, Sazerac alleges:

1. Sazerac is a company that markets and sells a number of different types and brands of alcoholic beverages and distilled spirits, including without limitation rum, brandy, vodkas, whiskeys, and liqueurs. Sazerac has marketed and sold alcoholic beverages and distilled spirits in the United States for over a century.

2. Sazerac and its predecessors have established significant goodwill and recognition in its alcoholic beverages marketed under its BUFFALO TRACE line of distilled spirits for over a decade. The STAND STRONG mark has been used to advertise and promote BUFFALO TRACE whiskey since 2011.

3. By virtue of its marketing and by virtue of the excellence of the underlying products, the public has come to know, rely on, and recognize the STAND STRONG trademark as a source identifier for Sazerac's alcoholic beverages and distilled spirits.

4. Sazerac owns the trademark STAND STRONG [Reg. No. 4,157,643] covering alcoholic beverages, namely, distilled spirits (hereafter the "STAND STRONG Mark").

5. Sazerac has used the STAND STRONG Mark in commerce prior to Applicant's filing date of August 4, 2012.

6. Upon information and belief, Sazerac alleges that on August 4, 2012, Applicant filed an intent-to-use application to register the mark BE STRONG in International Class 33. Applicant seeks registration in connection with alcoholic beverages, namely, "spirits and liqueurs."

7. Applicant's Mark is likely to be confused with and mistaken for Sazerac's distilled spirits products marketed under the STAND STRONG Mark because Applicant's Mark is nearly identical in meaning and commercial impression to Sazerac's STAND STRONG Mark.

8. Applicant's Mark is intended for use in connection with products that overlap with and are related to Sazerac's products used in connection with its STAND STRONG Mark.

9. Applicant's targeted customer base overlaps with the consumers of Sazerac's alcoholic beverages and distilled spirits products.

10. As Applicant's goods description contains no restrictions or limitations as to Applicant's channels of trade, Sazerac may assume that Applicant's Mark, like Sazerac's own STAND STRONG Mark, will be used in all accepted channels of trade. Therefore, in addition to overlapping consumer bases, Applicant's intended channels of trade for his alcoholic beverage products overlap with channels of trade used by Sazerac in marketing, selling, and otherwise distributing its alcohol-based products marketed under its STAND STRONG Mark.

11. If Applicant is permitted to register Applicant's Mark for the goods specified in the Application herein opposed, confusion resulting in damage and injury to Sazerac would likely occur. Persons familiar with Sazerac's STAND STRONG Mark would likely perceive Applicant's products as associated with, affiliated with, or sponsored by Sazerac. Such confusion would inevitably result in damage to Sazerac.

12. Sazerac's customers and the relevant public are likely to misapprehend Applicant's Mark as a Sazerac mark rather than a mark of Applicant and/or believe in error that goods offered under the Applicant's Mark are offered by, in association with, or under license from Sazerac.

13. Any defect, objection to, or fault found with Applicant's beverages marketed under his BE STRONG mark would necessarily reflect on and seriously injure the reputation that Sazerac has established for its alcoholic beverage products.

14. Registration of Applicant's Mark would give Applicant prima facie evidence of the validity and ownership of Applicant's Mark and of Applicant's exclusive right to use his BE STRONG mark, all to the detriment of Sazerac.

15. Wherefore, Sazerac prays that this Opposition be sustained and that Application Serial No. 85/695,481 be denied and refused registration.

Cooley LLP

Dated: May 15, 2013

By: /John Paul Oleksiuk/
Todd Bontemps
John Paul Oleksiuk
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Washington, DC 20004
(310) 883-6400

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I mailed the foregoing **NOTICE OF OPPOSITION** to Applicant and correspondent for Applicant (being one in the same), by depositing a true and correct copy of the same with the United States Postal Service, first class mail, postage prepaid, in an envelope addressed to:

Ghenadie Odobescu
2620 Saint-Germain, Suite 16
Montreal Canada H1W2V3

Date: May 15, 2013

/John Paul Oleksiuk/
John Paul Oleksiuk